

Appl. No. 09/733,062
Amdt. dated June 10, 2004
Reply to Office action of March 26, 2004

Remarks:

Claims 1-12 are pending in this application. Claim 13 has been withdrawn by way of this amendment.

In the outstanding office action, the Examiner has rejected claims 1-4 and 9-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-18 and 6-10 of U.S. Patent No. 6,505,310. Without making any admissions as to obviousness, applicants submit herewith a terminal disclaimer to be filed against the present application and disclaiming the term of the patent issuing from this application beyond the term of U.S. Patent No. 6,505,310. It is respectfully submitted that this terminal disclaimer overcomes the Examiner's obviousness-type double patenting rejection.

The Examiner has rejected claims 1-9 and 11-13 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,005,695 to Roberts (hereinafter "Roberts"). The Applicant respectfully disagrees. To anticipate claim 1, Roberts must disclose "selecting one of said plurality of output signals as a selected output signal". As illustrated in FIG. 2 and, even more clearly, in FIG. 4, a given comparison means only receives a single output signal and, therefore, does not perform "selecting" to arrive at a "selected output signal" as required by claim 1.

Advantageously, since the connection integrity monitor of the present application provides for monitoring one connection at a time, there is a reduction in the gate usage, when compared to a monitor that monitors all connections simultaneously, by a value approaching 50% for large switch fabrics (connection circuits). Such a reduction in gate usage may be seen to lead to a reduction in power requirement. Roberts, in contrast, may be seen to teach toward more hardware (two sample extraction elements, two comparison means, two verification means for a two-by-two switching element) and, consequently, an increase in power requirement.

In view of the forgoing, applicant submits that claim 1 is not anticipated by Roberts and respectfully requests that the Examiner's rejection on that basis be withdrawn. Furthermore, it is submitted that claims 2-7, which depend, either directly or indirectly, from

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claim 1, are not anticipated by Roberts and are, therefore, patentable.

To anticipate claim 8, Roberts must disclose "an output selection circuit for...selecting one of said plurality of output signals as a selected output signal". As illustrated in FIG. 2 and, even more clearly, in FIG. 4, a given comparison means only receives a single output signal and, therefore, does include the "output selection circuit" required by claim 8 to arrive at a "selected output signal".

In view of the forgoing, applicant submits that claim 8 is not anticipated by Roberts and respectfully requests that the Examiner's rejection on that basis be withdrawn. Furthermore, it is submitted that claims 9, 11 and 12, which depend, either directly or indirectly, from claim 8, are not anticipated by Roberts and are, therefore, patentable. It is additionally requested that the rejection of claim 10, which is dependent upon claim 8, in view of Roberts and U.S. Patent No. 4,561,094 to Jackowski, et al. (hereinafter "Jackowski") be withdrawn since, it is submitted, claim 8 is not anticipated by Roberts and, it appears, Jackowski has been cited merely to provide a difference circuit comprising an Exclusive OR gate.

Favorable consideration and allowance of claims 1-12 of the application is earnestly solicited.

Respectfully submitted,



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